

REMARKS

These remarks are directed to the office action mailed February 19, 2009, setting a three month shortened statutory period for response which expired on May 19, 2009. A three month extension request and required fee authorization accompanies this amendment to reset the period so as to expire on August 19, 2009. The office action issued by the Examiner and the citations referred to in the office action have been carefully considered.

Prompt reconsideration is requested in view of the above claim amendments and the following remarks. As indicated, amendments introduce no new matter. Claims 16-18 have been cancelled. Claims 13-15 and 19-22 are currently pending.

Claim Objections

Claims 17-22 have been objected to as being in improper form. The claims have been amended to now overcome the Examiner's objections.

Drawings

The Examiner has objected to the drawings. Replacement drawings have been submitted herewith to overcome these objections. In particular, Figures 1 and 2 now include the legend "Prior Art" indicating that prior art is illustrated.

Claim Rejections – 35 U.S.C. § 102 and §103

Claims 13 and 16 have been rejected under 35 USC §102(b) as being anticipated by Daistra et al. ("Diastra") ("The missing link between the hot end process and product quality", International Glass Review, pp. 132-137, Issue 3, 2000). Claims 13 and 16 have been rejected under 35 USC §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over either Chan ("Chan A") (Automated inspection and container monitoring at the hot end", Inspection, Monitoring & Control, Article, 3 pages, International Glass Review, Spring/Summer 1997) or Chan ("Chan B") ("Automated inspection and monitoring of glassware

at the hot end”, Glass Technology, Vol. 35, No. 5, October 1994, pp. 200-203). Claims 14-15 have been rejected under 35 U.S.C. 103(a) as obvious over Chan A, Chan B, or Dalstra, and further in view of Abbasi et al. (“Abbasi”) (US Patent App. 2003/0123518).

Main independent claim 13 has been amended to recite a method that includes the step of providing measurement means that are sensitive only to radiation from the Near Infra Red region (NIR) originating **from an interior of a wall of the glass products**. As stated on page 2, lines 10-16 of Applicant’s specification,

“Infrared light with long wavelengths is completely absorbed in the interior of the glass wall. This is not the case with NIR radiation. NIR radiation essentially originates from the interior of the glass wall and the measured amount of NIR radiation is thus correlated to the amount of heat in the interior of the glass wall. Preferably, the infrared-sensitive measurement system is sensitive to wavelengths of between 900 and 2800 nanometres. It has been found that optimum results are obtained at these wavelengths.”

Dalstra, Chan A, and Chan B all teach the inspection of glass containers with infrared light. Since infrared light is completely absorbed in the interior of the glass wall, none of the cited references teach or suggest the detection of defects (deviations) **in the interior** of hot glass products. Furthermore, none of the cited references teach or suggest the use of **near infrared radiation** to detect the defects in the interior of hot glass products.


Applicant submits that none of the cited references in any combination teach or suggest all of the elements and limitations of independent claim 13. Therefore claim 13 and the claims dependent therefrom are not obvious and are therefore patentable under USC §102 and §103.

Conclusion

It is respectfully submitted that all of the Examiner’s objections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to **Deposit Account Number 50-2638**. Please ensure that Attorney Docket Number 072998-012400 is referred to when charging any payments or credits for this case.

Respectfully submitted,


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